

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

4 - - - - -X

5 IN THE MATTER OF :
6 MCHAP, Inc., t/a The Saloon : Show Cause Hearing
7 1205 U Street NW : Case #15-CC-00036
8 License #ABRA-71086 :
9 Retailer Class CT :
10 ANC-1B :
11 No ABC Manager on Duty :

12 - - - - -X

13
14 Wednesday, December 2, 2015

15
16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

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CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

RUTHANNE MILLER

NICK ALBERTI

MICHAEL SILVERSTEIN

JAMES SHORT

ALSO PRESENT - Case #15-CC-00036

KAMAL JAHANBEIN,

On behalf of The Saloon

FERNANDO RIVERO,

On behalf of District of Columbia

JOHN SUERO, witness

On behalf of District of Columbia

1 C O N T E N T S

2 WITNESS DIRECT EXAMINATION

3 JOHN SUERO

4 BY FERNANDO RIVERO 10

5 CROSS EXAMINATION

6 JOHN SUERO

7 BY KAMAL JAHANBEIN 25

8

9

10

11 E X H I B I T S

12 GOVERNMENT EXHIBIT: PAGE MARKED

13 1 - Investigative report 17

14

15 LICENSEE EXHIBIT:

16 1 - Email 42

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1 P R O C E E D I N G S

2 [11:50 a.m.]

3 CHAIRMAN ANDERSON: All right. The next
4 case on our agenda of show cause hearings is Case
5 No. 15-CC-00036, the Saloon, License No. 71086.

6 Will the parties please appear?

7 MR. RIVERO: Good morning, board members.
8 Fernando Rivero for the District of Columbia.

9 MR. JAHANBEIN: Kamal Jahanbein, K-A-M-A-
10 L J-A-H-A-N-B-E-I-N.

11 CHAIRMAN ANDERSON: All right. All
12 right.

13 This is a show cause hearing. Are there
14 any preliminary matters?

15 MR. RIVERO: The government has no
16 preliminary matters, and we're ready to proceed
17 to show cause.

18 CHAIRMAN ANDERSON: And does the
19 government have an opening statement?

20 MR. RIVERO: Yes.

21 Good morning, board members. We are here
22 today in the show cause matter of MCHAP,

1 Incorporated, trading as The Saloon, located at
2 1205 U Street, NW.

3 The show cause notice issued in this
4 matter concerns the charge that the licensee
5 failed to keep a licensed manager on duty at all
6 times, or to personally superintend in violation
7 of D.C. official code 25-701.

8 It is our belief that by a preponderance
9 of the evidence, based on the testimony of our
10 witness, ABRA investigator John Suero, that the
11 licensee failed to personally superintend or to
12 have an ABC manager present on June 4, 2015, when
13 the ABRA investigator entered the premises to
14 notify the licensee that a sale to minor
15 violation had taken place.

16 (Pause)

17 CHAIRMAN ANDERSON: Do you understand,
18 sir, what's happening here today?

19 MR. JAHANBEIN: Some of it, yes.

20 CHAIRMAN ANDERSON: What is it that you
21 do not understand?

22 (No response heard)

1 CHAIRMAN ANDERSON: I'm not -- I'm not --

2 MR. JAHANBEIN: No, my -- my --

3 CHAIRMAN ANDERSON: I'm not going to have
4 you present your case. I'm just saying, do you
5 understand the proceedings that we're having
6 today that basically, you were charged by not
7 having an ABC manager on duty during the time
8 period that the government -- basically, we have
9 a hearing where the government is going to
10 present its case, and you're also going to
11 present its case, why is it that the -- what the
12 government is charging you with is incorrect.

13 So, do you understand the proceedings?

14 MR. JAHANBEIN: Yes, I have -- I was here
15 in front of the board, and I have explained that
16 to everyone, and I don't say it in a very -- to
17 feel sorry for me. I have no schooling.

18 And as long as someone speaks to me in a
19 very simple language, I do understand.

20 CHAIRMAN ANDERSON: Okay. No, I just
21 wanted to make sure that you understand the
22 proceeding.

1 MR. JAHANBEIN: Yeah.

2 CHAIRMAN ANDERSON: So, the government
3 has given its opening statement.

4 MR. JAHANBEIN: Okay.

5 CHAIRMAN ANDERSON: Do you, at this
6 moment, do you want to give an opening statement,
7 or do you want to wait until the government
8 presents its case, and then when you present your
9 case, you can give an opening statement?

10 What's your preference?

11 MR. JAHANBEIN: I --

12 CHAIRMAN ANDERSON: You don't have to say
13 anything at this moment, if you don't want to.

14 MR. JAHANBEIN: My biggest concern is how
15 many minutes I get in front of the board to
16 express my view about A to Z. You're giving me
17 two minutes, three minutes?

18 CHAIRMAN ANDERSON: Well, I --

19 MR. JAHANBEIN: You can look at that's
20 defending. I'm not here to defend myself.

21 CHAIRMAN ANDERSON: Well, I will give you
22 a reasonable period of time to explain --

1 MR. JAHANBEIN: Okay.

2 CHAIRMAN ANDERSON: So, the government
3 will present its case --

4 MR. JAHANBEIN: Okay.

5 CHAIRMAN ANDERSON: -- and its witnesses.

6 MR. JAHANBEIN: That's fine.

7 CHAIRMAN ANDERSON: You'll have an
8 opportunity --

9 MR. JAHANBEIN: Okay.

10 CHAIRMAN ANDERSON: -- to cross examine
11 the persons that are there.

12 MR. JAHANBEIN: Okay. Fine with me.

13 CHAIRMAN ANDERSON: And I will make sure
14 that you have an opportunity to have a fair
15 hearing.

16 MR. JAHANBEIN: Okay, thanks.

17 CHAIRMAN ANDERSON: But at the same time
18 --

19 MR. JAHANBEIN: All I want to know, I'm
20 interested on how many minutes for me to go, one,
21 two, three, four and five, please.

22 CHAIRMAN ANDERSON: Well, I'm not going

1 to say you have two minutes or three minutes.
2 I'm going to give you a reasonable period of time
3 --

4 MR. JAHANBEIN: Okay.

5 CHAIRMAN ANDERSON: -- that you tell us -
6 - you explain your position.

7 MR. JAHANBEIN: Okay.

8 CHAIRMAN ANDERSON: Now, we're not going
9 to be here all day.

10 MR. JAHANBEIN: No, no, no.

11 CHAIRMAN ANDERSON: But I'll give you a
12 reasonable period of time --

13 MR. JAHANBEIN: I have to -- I have
14 respect for everybody's time

15 CHAIRMAN ANDERSON: -- to be sure that
16 you're heard. To make sure that you're heard.

17 So, does the government have a witness
18 that they wish to call?

19 MR. RIVERO: The government will call
20 investigator John Suero to the witness stand at
21 this time.

22 CHAIRMAN ANDERSON: All right. Okay.

1 (Pause)

2 CHAIRMAN ANDERSON: Raise your right
3 hand, please. And do you swear or affirm to tell
4 the truth, truth, the whole truth and nothing but
5 the truth?

6 MR. SUERO: I do.

7 CHAIRMAN ANDERSON: Thank you.
8 All right. Your witness, sir.

9 MR. RIVERO: Thank you.

10 BY MR. RIVERO:

11 Q Good morning. Would you please state
12 your name and spell your last name for the court
13 reporter?

14 A (Not on mic) Good morning. I'm
15 investigator John, J-O-H-N, Suero, S as in Sam,
16 U-E-R-O.

17 Q What is your occupation, sir?

18 A I'm an investigator (Inaudible portion)
19 administration.

20 Q And how long have you been an ABRA
21 investigator?

22 A Since June the 3rd of 2013.

1 Q What are your duties as an ABRA
2 investigator?

3 A (Inaudible portion) an investigation.

4 Q And are you familiar with the
5 establishment known as The Saloon?

6 A I am.

7 Q How are you familiar with this
8 establishment, investigator?

9 A I was there in June of this year as part
10 of a compliance check undercover operation called
11 (Inaudible).

12 Q Okay. And do you know when -- what date
13 in June would that be?

14 A I would need to see the report in
15 question (Inaudible), but I believe it was around
16 June 4th.

17 Q Okay, June 4th.

18 And what was your purpose for arriving at
19 The Saloon?

20 A I was there to conduct compliance checks
21 for an undercover sale to a minor operation.

22 Q Okay. And what was your role in that

1 operation?

2 A My specific role was as the notifier. If
3 there was (Inaudible portion) had been a sale to
4 a minor incident that actually occurred, my role
5 was to enter, identify myself and do a report
6 inspection and do the (Inaudible).

7 Q Okay. And did you have occasion to
8 discharge that role?

9 A I did.

10 Q Please explain what happened.

11 A I was notified by Investigator Peru
12 (phonetic) who was inside the establishment with
13 the two minors. Now, the sale to the minor had
14 occurred. I entered. I walked through the bar
15 area with Investigator Peru (Inaudible) with two
16 minors.

17 He identified the bartender (Inaudible)
18 that sold the alcohol. He pointed out the
19 alcohol that was sold. I took a photograph of
20 that alcohol, and I identified myself to the
21 bartender.

22 (Simultaneous discussion - Mr. Suero's

1 voice is totally obscured by speakers near
2 microphone)

3 Q And what happened after you identified
4 yourself to the bartender?

5 A I advised them the reason for my being
6 there. I asked for either an owner or an agency
7 manager.

8 Q And what did the bartender reply to you?

9 A There was neither an owner nor an agency
10 manager present at that time.

11 Q What happened after that?

12 A I was preparing the sale to a minor
13 notification form, along with the bartender. I
14 obtained some documentation and identification
15 from him to complete that form.

16 As we were speaking, the gentleman seated
17 to your left --

18 Q Okay. And what happened after that?

19 A He advised me that he was the owner of
20 the establishment. I advised him the reason of
21 why we were there. I obtained some
22 identification from him.

1 Q What did you -- when you say you advised
2 him of the reason you were there, what did you
3 say?

4 A Specifically, I told him we were there as
5 a result of a sale to minor that had recently
6 occurred there.

7 Q What happened next?

8 A I obtained some identification from him,
9 prepared a sale to minor -- two different sale to
10 minor applications, which he signed. And I also
11 completed a regulatory inspection report.

12 Q Okay. Investigator, I'm going to show
13 you a document that I've marked government
14 exhibit 1 for purposes of identification, a copy
15 of which has been provided to the licensee, and -
16 - which is exactly in the board's files.

17 It's the report of this case. And I just
18 want you to go ahead and identify that document.

19 Q That is the report (Inaudible portion)
20 related to this incident. (Inaudible portion).

21 A Okay. And I'm going to draw your
22 attention to some exhibits that are on this

1 report, because I'd like you to identify them.

2 (Mr. Rivero has moved away from
3 microphone - barely audible)

4 Q This is exhibit 7 in this report. What
5 does that look like?

6 A That is a photograph of the two bottles
7 of sold beer and two glasses (Inaudible) on the
8 bar on that date, photograph which I (Inaudible).

9 Q Okay. I'm going to also just show you
10 part of that report that's exhibit 8. What does
11 that document look like to you?

12 A That is a sale to minor notification form
13 which I prepared on that date. My (Inaudible
14 portion) the date and the writing is mine.

15 Q Okay. And there is also exhibit 9 in
16 this report, and I'd like to show that to you and
17 have you identify it.

18 A Sir, that is a regulatory inspection form
19 that I prepared on that date at that location.
20 It notes that there's an ABC manager, and the
21 date is June 4th, (Inaudible).

22 Q Thank you. So, you'd say that these are

1 accurate copies of those -- the documents that
2 you described. Right?

3 A Yes, sir. They are.

4 Q Okay. The government would move into
5 evidence at this time, exhibit 1, which is the
6 investigative report. I do want to ask a couple
7 more questions about it, but that's sufficient, I
8 think, to move into evidence at this time.

9 MS. MILLER: Mr. (Inaudible) and Mr.
10 Rivero, did you show a copy of this document to
11 the respondent?

12 MR. RIVERO: I did, actually.

13 (Simultaneous discussion)

14 CHAIRMAN ANDERSON: It's so moved.

15 MS. MILLER: Thank you.

16 MR. RIVERO: The reading --

17 CHAIRMAN ANDERSON: It's --

18 MR. RIVERO: Okay.

19 CHAIRMAN ANDERSON: Do you have any
20 objection, sir?

21 MR. JAHANBEIN: What was it?

22 (Simultaneous discussion)

1 CHAIRMAN ANDERSON: Do you have any
2 objection about --

3 MR. JAHANBEIN: For them -- for him to
4 continue?

5 CHAIRMAN ANDERSON: No. Do you have any
6 objection -- he asked that the document that you
7 have in front of you --

8 MR. JAHANBEIN: No, no. I have no
9 problem with the document.

10 CHAIRMAN ANDERSON: It is so moved.

11 [Exhibit 1 moved into evidence]

12 MR. RIVERO: Good.

13 BY MR. RIVERO:

14 Q If I could go -- note that this report
15 that's in evidence, does have nine exhibits, but
16 it starts at exhibit seven.

17 Is that right?

18 A Yes, sir.

19 Q So, exhibits one through six are listed
20 in the report on page two. And what are they?

21 A They are the photographs of the minors
22 and the indications by the minors (Inaudible).

1 Q Okay.

2 (Discussion off the record)

3 MR. RIVERO: No further questions of the
4 witness at this time.

5 CHAIRMAN ANDERSON: Do you have any
6 questions of the witness?

7 MR. JAHANBEIN: Yes.

8 CHAIRMAN ANDERSON: You can ask him, sir,
9 questions.

10 MR. JAHANBEIN: I have two questions
11 based on human curiosity. I have, in a very
12 humble fashion -- I have traveled to 40
13 countries, and I deal with the government
14 officials all the time.

15 And in the street, I'm a sweet person.
16 They'll always tell you be careful the way you
17 talk with a government official. You do not make
18 him upset. That's true all over the world.

19 CHAIRMAN ANDERSON: Okay.

20 MR. JAHANBEIN: But I have two curious
21 questions.

22 CHAIRMAN ANDERSON: The questions that

1 you have --

2 MR. JAHANBEIN: Yes.

3 CHAIRMAN ANDERSON: -- it's to the
4 witness.

5 MR. JAHANBEIN: I want an assurance that
6 I do not make him feel uncomfortable.

7 CHAIRMAN ANDERSON: Well, let me say this
8 to you, sir. This is a hearing.

9 MR. JAHANBEIN: Okay.

10 CHAIRMAN ANDERSON: You are free to ask
11 him any questions, based on the questions that
12 Mr. Rivero asked him.

13 MR. JAHANBEIN: No, I --

14 CHAIRMAN ANDERSON: And so, as part of
15 his job --

16 MR. ALBERTI: That's part of his
17 testimony.

18 CHAIRMAN ANDERSON: As part of his job --
19 (Simultaneous discussion)

20 CHAIRMAN ANDERSON: No, I'm just saying,
21 he cannot take it personally. He cannot take any
22 actions against you. He cannot, because this is

1 your right to -- when you're in --

2 MR. JAHANBEIN: I want another assurance.

3 CHAIRMAN ANDERSON: Well, I'm telling you
4 that, okay, it is your right and in the American
5 system of justice, you can confront -- if someone
6 makes charges against you, have the right to
7 confront them in an open forum.

8 MR. JAHANBEIN: Okay.

9 CHAIRMAN ANDERSON: And they have -- I
10 hear what you're saying. And so, you should not
11 be thinking that okay, if I say something, it's
12 going to come back to haunt me.

13 No, it is your right to ask him any
14 questions, based on the questions that were just
15 asked.

16 MR. JAHANBEIN: No, it's a natural
17 question. Person to person.

18 CHAIRMAN ANDERSON: And that's why I'm
19 giving you the assurance that --

20 MR. JAHANBEIN: Yeah. I want to -- I
21 wonder if these two individual persons that I was
22 not here (sic), actually they have touched the

1 alcohol.

2 CHAIRMAN ANDERSON: Well, you could --
3 you could -- those are the questions.

4 MR. JAHANBEIN: Yeah, I want to know if
5 the bottle has been --

6 CHAIRMAN ANDERSON: Those are the
7 questions that you can -- you can ask him that.

8 (Simultaneous discussion)

9 CHAIRMAN ANDERSON: So, ask him the
10 question.

11 MR. RIVERO: I'm going to go ahead and
12 lodge an objection to the question, for the
13 record.

14 CHAIRMAN ANDERSON: What's the basis of
15 your objection?

16 MR. RIVERO: Sir, the basis of the
17 objection is relevancy. If the licensee is going
18 to ask the witness whether the witness saw the
19 minors touch, or anybody touch alcohol, that
20 question is not related to this case, because
21 this case is not about proving or not proving the
22 sale to minor.

1 The government is not alleging that a
2 sale to minor took place for purposes of this
3 show cause.

4 We're alleging that there was no ABC
5 manager owner on duty. Any questions concerning
6 that charge are relevant, and we will not object.

7 CHAIRMAN ANDERSON: Well, Mr. Rivero, you
8 -- and I was confused. You did spend 10 minutes
9 of your questioning asking about the incident
10 about the sale to minors.

11 MR. JAHANBEIN: Yes.

12 CHAIRMAN ANDERSON: So, it is relevant,
13 for whatever purpose. You did raise that. You
14 asked questions on direct. So, he does have a
15 right to ask questions that are directly related
16 to the questions that you did ask.

17 So, you opened the door, so he has an
18 opportunity to ask questions on those issues.

19 MR. JAHANBEIN: Right.

20 MR. RIVERO: Those issues -- those were
21 laid out simply for context, obviously.

22 CHAIRMAN ANDERSON: Well, I -- I -- and

1 as I said before, in going through this hearing,
2 I was also, myself, confused what the issue was.
3 But you opened the door, so he has an opportunity
4 to ask questions on directly -- on that issue.

5 So yes, sir, go ahead and ask the
6 questions.

7 MR. JAHANBEIN: I have a problem
8 pronouncing this word.

9 CHAIRMAN ANDERSON: Irrelevant.

10 MR. JAHANBEIN: Yeah.

11 CHAIRMAN ANDERSON: Yes, sir.

12 MR. JAHANBEIN: I'll call it connected.

13 CHAIRMAN ANDERSON: Well, then what you -
14 -

15 (Simultaneous discussion)

16 MR. JAHANBEIN: It's connected.

17 CHAIRMAN ANDERSON: Then what you should
18 have done sir, if you thought it was irrelevant -
19 -

20 MR. JAHANBEIN: (Laughter)

21 CHAIRMAN ANDERSON: -- then you could
22 have objected to the question that was asked.

1 MR. JAHANBEIN: His point is, there is no
2 connection between my question -- my curiosity.

3 CHAIRMAN ANDERSON: Well, as I said, he
4 opened the door --

5 MR. JAHANBEIN: Okay.

6 CHAIRMAN ANDERSON: -- so you can ask
7 questions --

8 MR. JAHANBEIN: Yeah, that was -- I was
9 curious to find out that one.

10 (Simultaneous discussion)

11 MR. JAHANBEIN: And the second question -
12 -

13 CHAIRMAN ANDERSON: That's what I'm
14 saying. So, you'll ask the questions. So, do
15 you need -- can you answer the question, or does
16 he need to repeat the question?

17 MR. JAHANBEIN: No, he needs to answer.

18 CHAIRMAN ANDERSON: No, no. You have to
19 ask the question to the witness, not the
20 government.

21 BY MR. JAHANBEIN:

22 Q Yeah. I was curious to find out if those

1 young men -- they have actually touched the
2 alcohol. Human curiosity.

3 A Sir, I was not present during that.

4 Q Okay. That's all.

5 A That part of the operation. I was only
6 there after the fact.

7 Q Yeah, that's fine.

8 And the second curiosity, is it
9 reasonable for me to ask, those two gentlemen
10 that came in for their performing (sic) that I
11 call it -- are they getting paid?

12 CHAIRMAN ANDERSON: I'm sorry. What's
13 the question?

14 MR. JAHANBEIN: These two gentlemen that
15 came in, ordered a beer. They actually get paid
16 for their performance?

17 MR. RIVERO: Okay. I'm going to have to
18 object again, and again, the ground is relevancy.
19 If -- there was no questioning by the government
20 that concerned the remuneration by any government
21 employee with respect to what took place.

22 The actual sale, as the door was open,

1 that decision has been made. But the new
2 objection is on relevancy on the grounds that
3 there was no question asked concerning
4 compensation of anybody.

5 CHAIRMAN ANDERSON: Do you have anything
6 to respond to what he just said? Your response
7 has to be directly related to what the government
8 just stated.

9 MR. JAHANBEIN: I have those two
10 curiosities.

11 CHAIRMAN ANDERSON: Well, unfortunately,
12 in this particular case, since that was not a
13 question that he asked, then I will sustain the
14 objection. So, you cannot ask him the question
15 whether or not the witnesses were paid. Okay?

16 MR. JAHANBEIN: Okay.

17 CHAIRMAN ANDERSON: And the reason why I
18 made that ruling is because he never asked it,
19 and it's not relevant to the charge.

20 So, do you have any other questions that
21 you want to ask the witness?

22 MR. JAHANBEIN: Overall, I do not know

1 how to go about this, and I have very strong
2 opinions about the -- I have more issue (sic).

3 CHAIRMAN ANDERSON: But you can do an
4 opening statement and you can state that.

5 MR. JAHANBEIN: Okay.

6 CHAIRMAN ANDERSON: So, at this juncture,
7 what I need you to do is, do you have any
8 specific questions that you want to ask the
9 witness?

10 MR. JAHANBEIN: No, no, no.

11 CHAIRMAN ANDERSON: Okay. All right.

12 Mr. Rivero, do you have any other
13 questions for your witness?

14 MR. RIVERO: I may have redirect based on
15 any board member questions.

16 CHAIRMAN ANDERSON: Are there any board
17 members who have questions? Mr. ALBERTI?

18 MR. ALBERTI: I'm going to do this very
19 quickly, and this is just so I'm very perfectly
20 clear.

21 When you walked into the establishment on
22 that date, Mr. Suero, was Mr. Jahanbein -- was he

1 present?

2 MR. SUERO: He was not.

3 MR. ALBERTI: Okay.

4 The report says he was there at some
5 point. When did he walk in?

6 MR. SUERO: After I had began to complete
7 the notification form with (Inaudible).

8 MR. ALBERTI: Okay, thank you. That's
9 all I have.

10 CHAIRMAN ANDERSON: Any other questions
11 that board members face? Any other questions?

12 (No response heard)

13 CHAIRMAN ANDERSON: Now, do you have any
14 questions to the witness, based on the question
15 that was just asked by Mr. Alberti?

16 MR. RIVERO: No, I do not.

17 CHAIRMAN ANDERSON: No?

18 MR. RIVERO: The government has no
19 further questions.

20 CHAIRMAN ANDERSON: All right. Then
21 you're free to go.

22 MR. SUERO: Excellent.

1 CHAIRMAN ANDERSON: Does the government
2 have any other witnesses?

3 MR. RIVERO: The government has no
4 further witnesses.

5 (Pause)

6 CHAIRMAN ANDERSON: All right. Now, this
7 is your opportunity to --

8 MR. JAHANBEIN: How many minutes do I
9 have?

10 CHAIRMAN ANDERSON: I'm not going to --
11 (Simultaneous discussion)

12 MR. JAHANBEIN: No, no. Due to my
13 respect for his life and everybody else --

14 CHAIRMAN ANDERSON: Yeah, hold on. Yes,
15 Mr. Rivero?

16 MR. RIVERO: The government does have a
17 closing argument to present, since we've closed
18 our case.

19 (Simultaneous discussion)

20 CHAIRMAN ANDERSON: All right. The way I
21 thought these hearings go, and because I've been
22 doing administrative hearings, is that the

1 government gives its case.

2 He now has an opportunity to give an
3 opening statement, since one wasn't done before.
4 He can call witnesses. At the end of calling
5 witnesses, then, you can give your closing
6 statement. Then, he can give his closing
7 statement, because he goes last.

8 MR. RIVERO: We can do that, too.

9 CHAIRMAN ANDERSON: So, you want to give
10 a closing statement even before he presents his
11 witnesses?

12 MR. RIVERO: I have done that before, but
13 --

14 CHAIRMAN ANDERSON: Well, I --

15 MR. RIVERO: So, we can do this other
16 method, as well.

17 CHAIRMAN ANDERSON: Well, I think a
18 better way to do is that -- I think it's -- and
19 this is not a criticism. It's just my view. I
20 think it's kind of difficult to give a closing
21 statement before you hear the other side's case.

22 So, this is your opportunity, sir.

1 MR. JAHANBEIN: Okay.

2 CHAIRMAN ANDERSON: I don't want you to
3 talk all day --

4 MR. JAHANBEIN: No, no, no.

5 CHAIRMAN ANDERSON: But I'm not going to
6 cut you off.

7 MR. JAHANBEIN: No, no.

8 CHAIRMAN ANDERSON: But this is your
9 opportunity -- you're going to give your opening
10 statement about this case, and why you believe
11 that the government hasn't proved its case.

12 (Discussion off the record)

13 CHAIRMAN ANDERSON: All right. What I'll
14 do is that, since --

15 Do you have any one witnesses, or you're
16 going to be the only one testifying?

17 MR. JAHANBEIN: Me?

18 CHAIRMAN ANDERSON: Yeah, do you --

19 MR. JAHANBEIN: Yeah, I only have myself.

20 CHAIRMAN ANDERSON: Okay, you're the only
21 one. Okay.

22 Can you raise your right hand, please?

1 Do you swear or affirm to tell the truth, truth,
2 the whole truth and nothing but the truth?

3 MR. JAHANBEIN: Yes. I would not create
4 no fear for myself by telling the lie.

5 CHAIRMAN ANDERSON: Okay.

6 So, this is going to be -- you then can
7 present your case about -- what is it that you
8 need to say?

9 And again, the charge that you're here
10 for today is not for the sale of a minor. It's
11 not to sell alcohol to a manager. That's not the
12 charge.

13 MR. JAHANBEIN: Okay.

14 CHAIRMAN ANDERSON: The charge is not
15 having an ABC manager on duty. So, that's -- so
16 you should focus your case on that issue.

17 MR. JAHANBEIN: Okay.

18 CHAIRMAN ANDERSON: So, we're not making
19 any ruling --

20 MR. JAHANBEIN: Yeah, I got that.

21 CHAIRMAN ANDERSON: We're not making any
22 ruling on the sale to minor charges; just the

1 fact that either you were not there, or you did
2 not have an ABC manager. So, you can go ahead,
3 sir.

4 MR. JAHANBEIN: I asked myself how I'm
5 going to handle this. You know? You go ahead.
6 I'm not in a position to disagree with them, pay
7 the fine.

8 But most important is, I want to get the
9 opportunity for my establishment's identity to be
10 clear to the board. Identity of my place. I
11 call it (Inaudible) future peace with the
12 District of Columbia government. Okay? They're
13 going to fine me.

14 The Saloon is a non-profit organization.
15 We built a school. Since I have no schooling, I
16 have a built a (Inaudible) school, 350 homes, and
17 I have (Inaudible) -- I actually live in that
18 place. My home is about 50 feet from the place I
19 live.

20 I just point out those things, and I'm
21 very familiar with this -- what that means. If
22 you decide -- you think I have connection, it's

1 fine. If I don't have connection, I'll pay.

2 CHAIRMAN ANDERSON: But for the record,
3 the sign that --

4 (Simultaneous discussion)

5 CHAIRMAN ANDERSON: It's irrelevant.

6 MR. JAHANBEIN: Yes.

7 CHAIRMAN ANDERSON: Yes. That's the --

8 MR. JAHANBEIN: I have difficult --

9 CHAIRMAN ANDERSON: That's the sign that
10 the witness has here.

11 MR. JAHANBEIN: -- at least a difficult
12 (sic).

13 CHAIRMAN ANDERSON: Okay.

14 MR. JAHANBEIN: I have business for 39
15 years. I have the best record of paying tax. I
16 am a very good operator, and the idea of sending
17 inspection to place, I have no problem if they
18 approach the customers.

19 The idea of setting up -- I have a moral
20 issue with that. I don't know how to go and
21 challenge the government. And I have been there
22 '99 -- since '99.

1 If you operate 40 hours a week, I am
2 behind a bar, 35 hours a week myself. And I come
3 from a different mindset that we have a position
4 for everyone.

5 If you can help me with the email, I'll
6 take you home any minute for you to send the
7 email. In that day, the inspector came in, I was
8 home sending an email to Africa. The date and
9 the time, I was not in the establishment.

10 I live there. I do \$40,000 business a
11 year, and I have a best record, and I'm making
12 it. I have 600,000 people this minute that are
13 depending on The Saloon for a full clinic and 11
14 high schools, and 400,000 people waiting for us
15 to provide the concrete for law.

16 I'm not sure you are allowed to look at
17 my work or not. I can show a document. I'd like
18 30 second look at -- for you to know what my
19 (Inaudible) is.

20 Everybody is dependent on The Saloon. We
21 have a Kamal's Foundation. After we pay our
22 bills, everything is supported through

1 (Inaudible).

2 Now, for me, I'm going to charged \$350?
3 Yeah, of course, I'm hurt (?), because I provide
4 seven families with a concrete floor. The idea
5 of being set up, I have absolutely difficulty
6 with that.

7 And I know I have to make a final
8 decision, do I want to continue being in
9 Washington, D.C. or not, because I am not going
10 to operate in any fear. I know how good an
11 operator I am.

12 How we monitor that -- in the 39 years, I
13 have called the police one time, and I have
14 mopped my bathroom three times. That means
15 nobody has thrown up. I was in Georgetown for 18
16 years, and I came here in '99.

17 Now, this is the position that I see
18 myself in. I know how good an operator I am.
19 You can talk with the people. But the way I look
20 at it, I'm connected to everyone in the world.

21 I do my social responsibility to the
22 whole world. Right now, you have a different

1 system. You have one person doing this for this.
2 No. I'm a director of the foundation. I'm a
3 secretary of the foundation.

4 A person comes in, I'll dictate my
5 messages. And if you pay attention, the hours is
6 exactly the amount of hours that I can handle.
7 You know, in the prime (Inaudible), you don't
8 close Sunday and Monday. You can say that is the
9 office of our foundation.

10 And this is what I do, and the board is
11 going to make the decision if I pay the fine or
12 not. But the moral issue of being set up.

13 Now, I apologize to you by using that
14 phrase. You know what I'm saying?

15 CHAIRMAN ANDERSON: Mm-hmm.

16 MR. JAHANBEIN: This is not a healthy
17 touch to all the good operators like me.
18 Inspection -- they are welcome to approach my
19 client, if you are under age. I'll deal with
20 them, whatever the law allows them.

21 And 95 percent of my clients are my
22 neighbors. For you to know how good an operator

1 I am, I don't have no TV. I don't allow
2 standing. I don't allow cell phones. I don't
3 allow -- I don't sell martinis.

4 This is the place the neighborhood to
5 come (sic), and I was able to do that -- all my
6 accomplishments, that I have a list of it, with
7 \$2 for this neighbor, \$2 for this neighbor, \$2
8 for this.

9 But the biggest difficulty I have is to
10 be set up. It's not a healthy talk. That's the
11 big issue. Yes, I was away from five minutes,
12 and I know exactly where I was.

13 Whatever decision you make, you have my
14 absolute support. And the last thing -- am I
15 allowed to have a little humor?

16 CHAIRMAN ANDERSON: It's your (Inaudible)

17 --

18 (Simultaneous discussion)

19 MR. JAHANBEIN: Maybe a little humor?

20 CHAIRMAN ANDERSON: It's your moment.
21 You can present your case whatever way you want
22 to.

1 MR. JAHANBEIN: I have lived in D.C. for
2 four years. I say it in a very humble way; in a
3 very humble way. And I have the best record of
4 paying my taxes down to the penny. You know what
5 I'm saying?

6 CHAIRMAN ANDERSON: Mm-hmm.

7 MR. JAHANBEIN: Punishment has been
8 become an addiction of the D.C. treasury.
9 Addiction. Where is the reward of being good?
10 That's all I have to say.

11 CHAIRMAN ANDERSON: All right, thank you.
12 Now, Mister --

13 MR. JAHANBEIN: Jahanbein.

14 CHAIRMAN ANDERSON: The same you couldn't
15 pronounced irrelevant, I'm not even going to try
16 to pronounce your name. Okay?

17 MR. JAHANBEIN: Okay, yes.

18 CHAIRMAN ANDERSON: Now, Mr. Rivero has
19 an opportunity to ask you --

20 MR. JAHANBEIN: Fine.

21 CHAIRMAN ANDERSON: -- ask you questions
22 based on your presentation.

1 MR. JAHANBEIN: Yes.

2 CHAIRMAN ANDERSON: Do you have any
3 questions, Mr. Rivero?

4 MR. RIVERO: The government has no
5 questions for the witness.

6 CHAIRMAN ANDERSON: All right. Now, on
7 the day in question, when the investigator came
8 there, so, where were you?

9 MR. JAHANBEIN: I was sending an email.
10 We close the month of August. We go to different
11 countries. This year, I was in New Guinea, and I
12 have the preparation to -- I have an email that
13 that hour -- they came in, I think, 6:45.

14 I was at home, 6:21, to send an email to
15 Africa.

16 CHAIRMAN ANDERSON: Now, is that an
17 exhibit that you want us to consider to say -- do
18 you want to -- do you have a document to say --
19 since you're talking about the email that you
20 want us to consider to say this is why -- what
21 was going on at the moment?

22 MR. JAHANBEIN: No, you are one --

1 CHAIRMAN ANDERSON: No, but you're saying
2 that -- I was sending an email. So, do you --

3 MR. JAHANBEIN: No, I don't handle my
4 life the way these people do. I have a document.
5 I asked myself, how can I prove to these people
6 where I was?

7 CHAIRMAN ANDERSON: Well, and then you
8 can give us a copy --

9 MR. JAHANBEIN: I live exactly 50 feet --

10 CHAIRMAN ANDERSON: You can give us --
11 you can share a copy of the email --

12 MR. JAHANBEIN: No, you can have the
13 whole thing.

14 CHAIRMAN ANDERSON: No, you can share a
15 copy with the government.

16 MR. JAHANBEIN: Would you like to have
17 it? You can have it.

18 CHAIRMAN ANDERSON: You can share it with
19 him, and I guess my supposition is that this was
20 not disclosed to you prior to today?

21 MR. RIVERO: Correct.

22 CHAIRMAN ANDERSON: And would you have an

1 objection of this document being entered into the
2 record?

3 MR. RIVERO: The government would launch
4 an objection based on relevancy, obviously.

5 MR. JAHANBEIN: Okay.

6 MR. RIVERO: But we'll just let it in.
7 It's fine. Just if I can have a copy of my file.

8 CHAIRMAN ANDERSON: Right. So, all right
9 --

10 MR. JAHANBEIN: You can have that.

11 (Simultaneous discussion)

12 CHAIRMAN ANDERSON: So, you're saying the
13 document that you're now presenting, you're
14 saying that explains where you were.

15 MR. JAHANBEIN: Exactly.

16 CHAIRMAN ANDERSON: All right. So, all
17 right. So, we'll have this as your exhibit
18 number 1. Okay? So, we will consider this
19 document as part of your evidence to state that
20 your --

21 I guess you're saying that you were
22 missing from the establishment for five minutes.

1 Is that what you're saying?

2 MR. JAHANBEIN: Yeah.

3 CHAIRMAN ANDERSON: All right.

4 MR. JAHANBEIN: I do have some stuff
5 stored in my home, as I said. I don't have a
6 car. I live exactly 50 feet from The Saloon.

7 CHAIRMAN ANDERSON: So, when you said 50
8 feet from The Saloon --

9 MR. JAHANBEIN: Fifty feet from The
10 Saloon.

11 CHAIRMAN ANDERSON: Where -- what -- is
12 that --

13 MR. JAHANBEIN: I am in --

14 CHAIRMAN ANDERSON: -- in the same
15 building, or --

16 MR. JAHANBEIN: Yeah. No, no.

17 CHAIRMAN ANDERSON: -- is that in a
18 different building?

19 MR. JAHANBEIN: I am next to the
20 (Inaudible portion) and I live -- the back of the
21 (Inaudible portion). 1210 is my home address.

22 CHAIRMAN ANDERSON: So, where is the --

1 MR. JAHANBEIN: 1210 V Street.

2 CHAIRMAN ANDERSON: So, where is The
3 Saloon?

4 MR. JAHANBEIN: It's 1209 U Street.

5 CHAIRMAN ANDERSON: All right.

6 MR. JAHANBEIN: You know, when the Ben's
7 Alley is?

8 CHAIRMAN ANDERSON: Right.

9 MR. JAHANBEIN: I'm in the end of Ben's
10 Alley. I'm by -- my shop is in front. That's U
11 and a V.

12 CHAIRMAN ANDERSON: Okay. All right.

13 Does any board member have any questions
14 to ask of the witness -- the witness slash -- no?

15 (No response heard)

16 CHAIRMAN ANDERSON: I'm sorry. Ms.
17 Miller?

18 MS. MILLER: Well, so I just want to
19 understand that you -- this case is about a
20 manager not being on duty at the time. And
21 you're saying -- if I understand you, that's
22 right. You weren't there. You were writing an

1 important email. Right?

2 MR. JAHANBEIN: Yeah.

3 MS. MILLER: Okay. And then, you're
4 asking the board to have mercy on you, because it
5 was five minutes and you were writing something
6 important.

7 MR. JAHANBEIN: Yes.

8 MS. MILLER: Right?

9 Okay. I want to ask you, do you know
10 that you can get another employee licensed to be
11 an ABC manager?

12 MR. JAHANBEIN: I have planned to have
13 two people as a manager. I need 30 days. All my
14 students -- all my employees, they are students.
15 That's one of the requirements.

16 You've got to have a goal to come work
17 for me. They all work one night, but I have
18 talked with my cook, and she's a student. She is
19 there during the whole hours of operation, and we
20 are preparing -- if I have 30 days, I will
21 provide you two people with the manager license,
22 if that's -- please the government or please the

1 board.

2 MS. MILLER: I just want to say this, and
3 then I'm finished, because I think this is fairly
4 simple. The facts are the facts, and we either
5 take mercy on you or whatever, but --

6 MR. JAHANBEIN: No, I'll respect the law.

7 MS. MILLER: I want you to know that this
8 is -- the board feels this is extremely important
9 for safety reasons, that there be a person there
10 at all times who is responsible in the area of --
11 that's why (Inaudible).

12 MR. JAHANBEIN: Fine.

13 MS. MILLER: Okay.

14 MR. JAHANBEIN: I'm there. I do all my
15 work during the day. And I got the opportunity
16 of somebody to help me with the email, I said
17 let's go, and I went and it was my fault.

18 I'm not denying whatever the claiming
19 (sic) at all.

20 MS. MILLER: Okay.

21 CHAIRMAN ANDERSON: Do we have any other
22 -- no other questions?

1 (No response heard)

2 CHAIRMAN ANDERSON: All right. So, you
3 can do your closing.

4 MR. RIVERO: Thank you.

5 This is not a case to decide with this is
6 a bad operator or a good operator. Consequently,
7 any of the good or bad actions, or anything else
8 concerning the operator's lifestyle, philosophy,
9 ideas about how the law should operate are not
10 part of this case.

11 This case, rather, is very simple. It is
12 about whether or not the owner or an ABC approved
13 manager was present on the premises when the
14 investigator appeared.

15 Not only has the licensee admitted that
16 there was no one there, but of course, the
17 licensee has corroborated the witness' testimony,
18 and hence --

19 MR. JAHANBEIN: I'm sorry. What that
20 word means? The word he just used -- I don't
21 understand the personality of the word.

22 CHAIRMAN ANDERSON: If you can --

1 MR. JAHANBEIN: What would that word
2 mean?

3 MR. RIVERO: Well, closing argument is
4 directed to the board, so through the board, the
5 witness -- the licensee's testimony has supported
6 what the witness said on the stand about there
7 not being an ABC manager or owner present when
8 the investigator entered to provide the
9 notification.

10 The notification about the sale to minor,
11 which as we all know now, because the government
12 has repeated it at least three or four times, is
13 not part of this case.

14 So, not only is this not a case about the
15 operator's good or bad intentions. This is also
16 not a case about any sale to minor whatsoever.
17 This is a case about whether there was an ABC
18 approved manager there or not, or whether the
19 owner was personally superintending or not.

20 It is unfortunate that in the 39 that the
21 licensee has been operating, that this is the 5
22 minutes where the investigator walked in the

1 door. But apparently, this happens many times.
2 And it is for the government to enforce the law.

3 Therefore, the government would ask that
4 the board issue a penalty or a fine that is
5 consistent with Title 25 of the D.C. Code and
6 Title 23 of the DCMR.

7 Thank you very much.

8 CHAIRMAN ANDERSON: You can wrap up now.
9 You can have the final say to wrap up, to say
10 what you need to say.

11 MR. JAHANBEIN: I have a different
12 mindset.

13 CHAIRMAN ANDERSON: No, I'm just saying -
14 -

15 MR. JAHANBEIN: I know.

16 CHAIRMAN ANDERSON: This is your --
17 what's called closing. So, you can now wrap the
18 case up and state whatever you want to state, and
19 then the case is over, and then we'll make a
20 decision.

21 Is there anything else you wish to say?

22 MR. JAHANBEIN: No, the case is very

1 simple. I was supposed to be there. I wasn't
2 there for five minutes. You know, that's a
3 decision they have to make, and I really don't --

4 CHAIRMAN ANDERSON: All right.

5 MR. JAHANBEIN: I brought up with a
6 mentality. I have many, many different
7 positions. But --

8 CHAIRMAN ANDERSON: All right. That's
9 the final word. We're going to close the record.

10 Does the party wish to file proposed
11 findings of facts and conclusion of law
12 (Laughter), or waive their right to a hearing?

13 MR. RIVERO: Well, waive the right to --

14 CHAIRMAN ANDERSON: I'm sorry. Waive the
15 right to do so.

16 MR. RIVERO: The government waives.

17 CHAIRMAN ANDERSON: Okay. What this mean
18 is, you have an opportunity -- do you want to
19 write something to --

20 MALE SPEAKER: Like a legal brief.

21 CHAIRMAN ANDERSON: -- write something to
22 say -- or do you just want us to make our

1 decision based on the testimony that was made
2 today?

3 MR. RIVERO: Can I have an indulgence?

4 (Whispering to licensee)

5 MR. JAHANBEIN: I told you I can't write.
6 You tell me to write. I just told you, I have no
7 schooling. How come you forget that?

8 MR. RIVERO: It's a right that you have.

9 MR. JAHANBEIN: Oh, right, right.

10 (Simultaneous discussion)

11 (Discussion off the record)

12 MR. RIVERO: Thank you. We're back on
13 the record.

14 CHAIRMAN ANDERSON: Okay. Yeah, go
15 ahead. All right.

16 MR. JAHANBEIN: I give up my right to
17 write something.

18 CHAIRMAN ANDERSON: Okay. That's fine.
19 So, the record is now closed.

20 [Whereupon, at 12:31 p.m. the
21 above-entitled matter concluded.]

22